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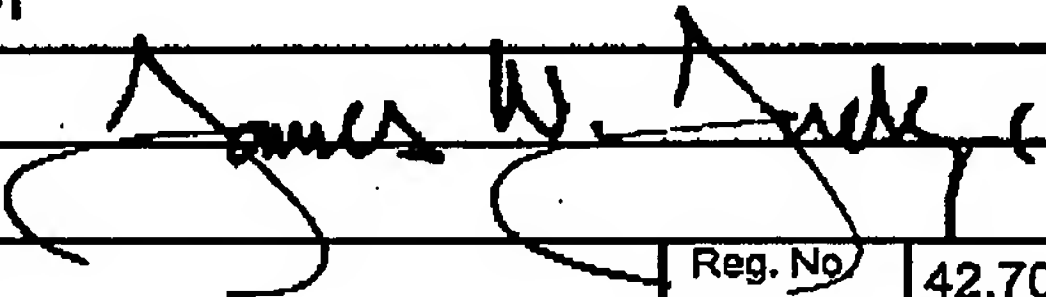
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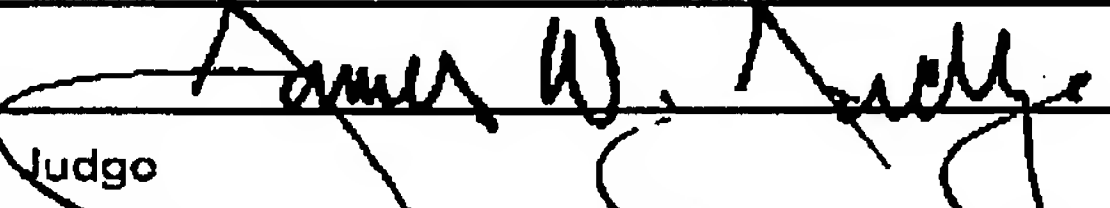
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/708,618	
	Filing Date	March 16, 2004	
	First Named Inventor	Susumu Noda	
	Art Unit	2883	
	Examiner Name	Jerry M. Blevins	
Total Number of Pages in This Submission	2	Attorney Docket Number	39.040

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks As explained to Examiner Blevins by telephone, this terminal disclaimer is a replacement to correct the owner % interest entry in the Aug. 12, 2005 disclaimer.	
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Judge Patent Firm	
Signature		
Printed name	James W. Judge	
Date	September 16, 2005	Reg. No. 42,701

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REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

39.040

In re Application of: **Susumu Noda, et al.**Application No.: **10/708,618**Filed: **March 16, 2004**For: **Two-Dimensional Photonic Crystal Cavity and Channel Add/Drop Filter**

The owner, **Sumitomo Electric Industries, Ltd.**, of **34** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number **10/708,124**, filed on **February 9, 2004**, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

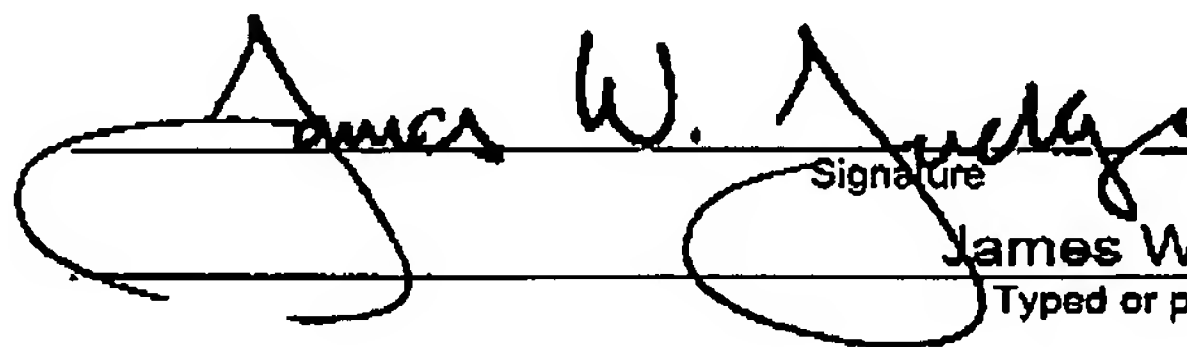
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. **42,701**


Signature
James W. Judge
Typed or printed name

Sept 16, '05
Date

305-938-7119
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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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